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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Report prepared by the Secretary-General pursuant to Commission on Human Rights resolution 1993/24

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INTRODUCTION

1. At its forty-ninth session, on 5 March 1993, the Commission on Human Rights adopted resolution 1993/24, entitled "Rights of persons belonging to national or ethnic religious and linguistic minorities".

2. In paragraph 1 of that resolution, the Commission called upon all States to promote and give effect as appropriate to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly.

3. In paragraph 2 of the same resolution, the Commission urged all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give due regard to the Declaration, as appropriate, within their mandates.

4. In the same resolution the Commission called upon the Secretary-General to make available, at the request of Governments, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified experts familiar with minority issues, as well as with the prevention, resolution and/or management of disputes, to assist in existing or potential situations involving minorities; and invited intergovernmental and non-governmental organizations to continue to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities.

5. The Commission requested the Secretary-General to report on the implementation of the present resolution under the same agenda item to the Commission at its fiftieth session.

6. In pursuance of resolution 1993/24 the Secretary-General, on 29 May 1993 sent notes verbales to Governments transmitting the resolution and asking for their views or any information they might wish to submit to him, and letters to all treaty bodies, special representatives and special rapporteurs, as well as to intergovernmental and non-governmental organizations.

7. As of 1 December 1993, the Secretary-General had received replies from the Governments of Austria, Benin, Chad, China, Finland, Germany, Greece, Hungary, Jordan, Norway, Romania, Ukraine and Yugoslavia.

8. Information was also received from the United Nations Educational, Scientific and Cultural Organization. This information is contained in General Assembly document A/48/509, paragraphs 24-28.

9. In addition, replies had been received from the following non-governmental organizations: International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities and Minority Rights Group. 1/

1/ The reply of Minority Rights Group is contained in General Assembly document A/48/509/Add.1.

10. The replies received are summarized in sections I and II of the present report.

11. The Secretary-General wishes to draw attention also to his report on the promotion of the Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities prepared in compliance with General Assembly resolution 47/135 of 18 December 1992 and submitted to the General Assembly at its forty-eighth session (A/48/509 and Add.1). In particular, this report elucidated activities of relevant organs and bodies of the United Nations, some treaty bodies, specialized agencies and non-governmental organizations. It also contained replies (from UNESCO and the Minority Rights Group) which referred to both General Assembly and Commission on Human Rights resolutions and which are not reproduced in the present report.

I. REPLIES SUBMITTED BY GOVERNMENTS

AUSTRIA

[Original: English]
[15 July 1993]

The Permanent Mission of Austria submitted two papers commenting on the factual and legal situation of minorities in Austria in general terms. It also pointed out that owing to the short notice given it had not been possible to prepare a more analytical report on the promotion of the Declaration. Such a report could, however, be provided at a later stage. The following is the text of the Austrian reply:

"F E D E R A L P R O V I N C E
of
B U R G E N L A N D

"Total population: 270,880 (1991)

Croatian-speaking Austrian citizens: approximately 19,100
Hungarian-speaking Austrian citizens: approximately 5,000

"I. Croatian as an official language

"Decree of the Federal Government of 24 April 1990 (Federal Law Gazette No. 231/1990)

"Admitted before:

- six district administrative offices (out of a total of seven);

- six district courts (out of a total of seven);

- generally before all federal and provincial offices of the federal and provincial administration with headquarters in Burgenland (in some cases in Vienna or Graz), whose territorial districts cover (at least partially) the territorial districts of the above-mentioned six district administrative offices;

- the Office of the Provincial Government of Burgenland and all federal and provincial offices with headquarters in Burgenland when they act in the capacity of authority of second instance in all procedures when Croatian has been admitted as official language in the first instance;

- communal authorities in 25 communes (out of a total of 167 communes);

- all police stations, whose territorial districts cover (totally or partially) the above-mentioned 25 communes;

- in all official matters of the postal/telecommunication and railways administrations;

- the Military Command of Burgenland in matters related to the recruiting system.

"II. Croatian and Hungarian as languages of instruction

"The Provincial School Act of Burgenland, Provincial Law Gazette No. 40/1937 provides for mixed language schools in cases where the Croatian or Hungarian population make up 30 per cent of the total population; in cases where a 70 per cent share of the population belongs to an ethnic group the language of the ethnic group will be the language of instruction ... .

"III. Croatian topographic inscriptions

"In several communes there are official bilingual inscriptions for streets, lanes and squares as well as many private bilingual inscriptions.

"IV. Croatian and Hungarian radio and television broadcasts

"The ORF provincial studio Burgenland broadcasts in:

Croatian

Radio (since 1979)
Monday - Saturday: 13.03 - 13.05 hours news in brief;
Monday - Sunday: 18.20 - 19.00 hours news, features with various topics

Television (since 1989)
Sunday: 13.00 - 13.30 hours

Hungarian

Radio (since 1984)
half an hour weekly (Sunday: 19.30 - 20.00 hours)

Television (since 1989)
four times per year, feature magazine.

"V. Financial assistance to the Croatian and Hungarian ethnic group

"On the basis of the Ethnic Groups Act (Federal Law Gazette No. 396/1976), ethnic groups receive financial assistance and promotion in other forms. More promotion facilities by the Federal State, the Federal Provinces and the Communes exist on the basis of other laws.

"VI. Ethnic Advisory Councils

"(Decree of the Federal Government of 18 January 1977, Federal Law Gazette No. 38/1977, revised by Federal Law Gazette No. 425/1992).

"The ethnic advisory councils shall advise the Federal Government and the Federal Ministers as well as provincial governments in matters concerning ethnic groups while safeguarding and representing the overall cultural, social and economic interests of the ethnic groups. They shall be consulted before the promulgation of legal provisions and in respect of general planning measures taken in the field of public assistance and promotion which affect the interests of the ethnic group.

"The ethnic advisory council of the Hungarian ethnic group was established in 1979. In 1992 its membership was doubled to 16 persons by including those parts of the ethnic group domiciled in Vienna. The council was convened in its new composition for the first time in 1993.

"The advisory council for the Croatian ethnic group will probably be convened for the first time in 1993.

"F E D E R A L P R O V I N C E
of
C A R I N T H I A

"Total population: 530,726 (1991)

Slovene-speaking Austrian citizens: approximately 14,100

"I. Slovene as an official language

"Decree of the Federal Government of 31 May 1977 (Federal Law Gazette No. 307/1977)

"Admitted before:

- three district administrative offices (out of a total of eight);
- three district courts (out of a total of 11);
- generally before all federal and provincial offices of the federal and provincial administration with headquarters in Carinthia, whose territorial districts cover (at least partially) the territorial districts of the above-mentioned three district administrative offices;
- the Office of the Provincial Government of Carinthia and all provincial offices with headquarters in Carinthia when they act in the capacity of authority of second instance in all procedures when Slovene has been admitted as official language in the first instance;
- communal authorities in 13 communes (out of a total of 109 communes);
- all police stations in the above-mentioned 13 communes;

- in all official matters of the postal/telecommunication and railways administrations;

- the Military Command Klagenfurt in matters relating to the recruiting system.

"II. Slovene as the language of instruction

"Federal Law 'Minority School Act for Carinthia', Federal Law Gazette No. 101/1959 of 19 March 1959, as amended by Federal Laws No. 326/1988 of 8 June 1988 and No. 420/1990 of 28 June 1990.

"The 'Minority School Area' comprises the territories of those communes in which at the beginning of the school year 1958/1959 bilingual instruction was provided in elementary and lower secondary schools (at that time 110 schools in four districts). In this area persons have a right to bilingual instruction (as far as elementary schools are concerned) and to teaching of the Slovene language (as far as lower secondary schools are concerned).

"Outside of this area there exists a right to this type of instruction in the case of persistent demand for it.

"There exists:

(a) bilingual instruction (instruction of the Slovene language and instruction of subjects in the Slovene language)

- in the first to third grades in elementary schools;

- in the bilingual commercial high school Klagenfurt;

- in the private higher institute for economic professions of the Convent of School Sisters St. Peter.

(b) instruction of the Slovene language

- in the fourth grade of elementary schools;

- in lower secondary schools;

- in general and vocational high schools;

(c) instruction exclusively in the Slovene language

- at the Federal High School for Slovenes in Klagenfurt.

...

"III. Slovene topographic inscriptions

"Decrees of the Federal Government of 31 May 1977, Federal Law Gazette Nos. 306/1977 and 308/1977.

"The installation of topographic inscriptions in the German and Slovene languages (place names within the meaning of the Road Traffic Regulations) is planned in principle in 91 villages (in eight communes). The installation of the traffic signs indicating the village's name and 'end of village' must also be in line with the requirements of the Road Traffic Regulations. At present (September 1992) 56 such bilingual place names have been put up.

"IV. Slovene radio and television broadcasts

"The ORF provincial studio, Carinthia, broadcasts in Slovene:

Radio: 50 minutes daily
(Monday to Saturday: 18.10 - 19.00 hours;
Sunday: 06.30 - 07.00 and 18.10 - 18.30 hours;
Special cultural programme: Wednesday 21.05 - 22.00).

Television: 30 minutes weekly
(Sunday 13.00 - 13.30 hours).

"V. Financial assistance to the Slovene ethnic group

"On the basis of the Ethnic Groups Act (Federal Law Gazette No. 396/1976), ethnic groups receive financial assistance and promotion in other forms. More promotion facilities by the Federal State, the Federal Provinces and Communes exist on the basis of other law.

"VI. Ethnic Advisory Council

"(Decree of the Federal Government of 18 January 1977, Federal Law Gazette No. 38/1977)

"The ethnic advisory council shall advise the Federal Government and the Federal Ministers as well as provincial governments in matters concerning the ethnic groups, while safeguarding and representing the overall cultural, social and economic interests of the ethnic group. It shall be consulted before the promulgation of legal provisions and in respect of general planning measures taken in the field of public assistance and promotion which affect the interests of the ethnic group.

"The ethnic advisory council for the Slovene ethnic group was convened for the first time in 1989.

"F E D E R A L P R O V I N C E
of
V I E N N A

(City of Vienna)

"Four ethnic groups are at present domiciled in Vienna (Croats from the Burgenland, Czechs, Hungarians and Slovaks). Two of them (Hungarians and Slovaks) were recognized in connection with the amendment (Federal Law Gazette No. 425/1992) of the Federal Government's decree on the Ethnic Advisory Councils, Federal Law Gazette 38/1977.

"Czech ethnic group

"On the basis of the population census 1991 there are living in Vienna 8,070 persons with Czech colloquial language (6,070 of them are Austrian citizens). The Komensky School Association (Sebastian Platz 3, 1030 Vienna) runs a kindergarten, a private primary school and lower secondary school, all of them licensed by the public authorities. Some 220 children attend the kindergarten and the schools ... .

"Hungarian ethnic group

"According to the population census of 1991, a total of 13,519 Hungarian-speaking persons live in Vienna, 8,930 of whom are Austrian citizens. The ethnic advisory council for the Hungarian ethnic group, representing Hungarians living in Vienna, was convened for the first time on 16 February 1993. There exist more than 20 Hungarian associations in Vienna, with mostly cultural activities.

"Slovak ethnic group

"On the basis of the population census of 1991, there are 1,132 Slovak-speaking persons living in Vienna, 619 of them Austrian citizens. The Slovaks living in Vienna were recognized in 1992 as a particular ethnic group. The Slovak ethnic group council was convened for the first time on 7 May 1993. Since 1983, the Austro-Slovakian Cultural Association has existed in Vienna, with activities mainly in the cultural field. A Slovak parish of the Roman-Catholic church provides for the spiritual needs of the Slovaks in Vienna.

"Burgenland Croats in Vienna

"Since 1918, a sizable community of Burgenland Croats has lived in Vienna which is recognized as a part of the ethnic group. The Cultural Association of the Burgenland Croats in Vienna receives public subsidies for providing elementary instruction in the Burgenland-Croatian tongue at the pre-school and school-age level to children of Croatian parents coming from the Burgenland and now living in Vienna."

BENIN

[Original: French]
[24 August 1993]

"The exercise of the rights of persons belonging to national or ethnic, religious and linguistic minorities does not give rise to any particular problem in Benin.

"Indeed, the question of minorities as perceived by the United Nations is non-existent in Benin. As for regionalism, which can lead to certain situations of denial of rights to minority social groups, it is discussed only in certain political circles and is not really present in the collective conscience of the peoples of Benin.

"It can, however, be said that the principles contained in resolution 47/135 of the General Assembly of the United Nations of 18 December 1992 and resolution 1993/24 of the Commission on Human Rights of 5 March 1993 have already been fully expressed in the Constitution and laws of the Republic of Benin, which actually contain specific provisions for preventing violations of the rights of minorities.

"Thus:

- The preamble to the Beninese Constitution declares in clear terms that the people of Benin have proclaimed their determination 'to create a State under the rule of law and a pluralist democracy in which fundamental human rights, public freedoms, the dignity of human beings and justice are guaranteed, protected and enhanced as a necessary condition for the genuine and harmonious development of every Beninese in the temporal, cultural and spiritual spheres'.

- In the body of the Constitution itself, articles 8, 10, 11, 14, 23, 26, 39 and 40 provide in particular:

  That every human being living in Benin is sacred and inviolable and that the State has an absolute obligation to respect and protect him.

  That all persons are entitled to enjoy culture and that the State has the duty to safeguard and promote the values of the national civilization, both material and spiritual, as well as the cultural traditions.

  That all the communities which make up the Beninese nation are free to use their spoken and written languages and to develop their own culture, while respecting that of others.

  That the religious institutions and communities may also contribute to the education of the young.

  That every person is entitled to freedom of thought, conscience, religion, worship, opinion and expression, with due respect for public order as established by the law and regulations.

  That the institutions and the religious or philosophical communities have the right to unhampered development. They shall not be subject to State supervision. They shall manage and administer their affairs autonomously.

  That the State guarantees to everyone equality before the law, without any distinction as to origin, race, sex, religion, political opinion or social status.

That aliens shall enjoy in the territory of the Republic of Benin the same rights and freedoms as Beninese citizens, under the conditions specified by law.

- In the various laws which have been enacted since the installation of the new democratic institutions in Benin, every effort has been made to respect scrupulously the rules established in the Constitution in order to guarantee equality both in law and in fact to all the communities living in the territory of the country.

"It is for this reason that a Constitutional Court has been established; one of its important functions is the protection of human rights.

"Proceedings may be instituted directly before it by any citizen in the event of violation of his rights.

"Furthermore, Act No. 90-023 embodying a Charter for Political Parties specifies that political parties must, in their activities, reject intolerance, regionalism, ethnocentrism, fanaticism, racism and xenophobia. No party may be established on the basis of sectarianism or of exclusive membership of a faith, sex or profession.

"Other laws, such as the law laying down the conditions for the exercise of commercial activities in Benin, have also placed on the same footing nationals and aliens living in Benin.

"The Government of Benin has already approached the Centre for Human Rights with a view to setting up global cooperation comprising the programme of advisory services and technical assistance which the Centre offers to States at their request."

CHAD

[Original: French]
[8 September 1993]

"The population of Chad comprises a number of ethnic groups which are more or less different from one another. Some ethnic groups are larger than others. This, however, has never been a pretext for the rights of ethnic minorities to be violated by the so-called majority ethnic groups.

"Chad is a secular State. Every Chadian is free to practise the religion of his choice. Two great religions coexist in this country without any great difficulty: Christianity and Islam. One must also not forget animism, which is practised by a large part of the Chadian population.

"Chad is a full Member of the United Nations and has accordingly undertaken to respect General Assembly resolution 47/135 of 18 December 1992 entitled 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities', and Commission resolution 1993/24 of 15 March 1993 entitled 'Rights of persons belonging to

national or ethnic, religious, and linguistic minorities', even though the country has not yet been confronted with such a problem. This is in line with the observance of Chad's international commitments."

CHINA

[Original: Chinese]
[25 July 1993]

"China played an active part in the formulation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and was pleased to see several suggestions it made accepted into the text.

"The Chinese Government believes the Declaration to be a balanced document emphasizing peaceful and constructive ways and means of upholding the rights of persons belonging to minorities. The steps suggested in the Declaration would be of benefit in guaranteeing that such persons enjoyed the same rights and freedoms as other citizens, on an equal footing; they would help to promote joint, harmonious and common development within every ethnic group in a nation.

"Established Chinese policy and action on protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities are not only wholly consistent with the Declaration but in practice surpass its stipulations in many respects.

"I. Protection of the rights of persons belonging to national or ethnic minorities

"China has 56 different nationalities. It is a unitary multi-ethnic State. Han Chinese represent 92 per cent of the total population, and the other 55 nationalities, 8 per cent. The basic principle of the Chinese Government's treatment of inter-ethnic relations is to make all nationalities flourish equally, jointly and together. The Chinese Constitution states that all nationalities in the People's Republic of China are equal. The State protects the lawful rights and interests of the minority nationalities and upholds and develops the relationship of equality, unity and mutual assistance among all China's nationalities. Discrimination against and oppression of any nationality are prohibited; any acts that undermine the unity of the nationalities or instigate their secession are prohibited.

"The people of minority nationalities, like people of Han nationality, enjoy all the civil rights laid down in the Constitution and the laws on an equal footing; at the same time, again in accordance with the law, they enjoy the special rights belonging to minorities.

"In order to ensure that, in politics, the people of every minority nationality can fully enjoy all their rights, China has instituted the system of regional national autonomy. Organs of self-government have been set up in districts where minority nationalities are concentrated, and, run by the local nationalities and taking into consideration the special political, economic and cultural features of those nationalities, they manage the affairs of the

districts and the nationalities that live there. By the end of 1990 China had set up 159 autonomous local governments. In areas inhabited by several nationalities, or where nationalities are scattered, it has set up over 1,500 national townships in order to enable scattered nationalities and nationalities living together to enjoy proper equal rights.

"Under the electoral law of the People's Republic of China, national minorities are represented at every level of people's congresses throughout the country in proportion to their size vis-à-vis other nationalities. This guarantees that they can participate in the affairs of State directly and through the intermediary of their representatives.

"Economically, many minority nationalities inhabit regions in the south and west where natural conditions are poor and this, combined with historical reasons, means that their level of economic development is often relatively low. For many years now the Chinese Government has furnished minority areas with extensive financial, material and technological support, actively reducing the disparities in economic development between them and other regions in order to bring about common development and prosperity for all nationalities.

"II. Protection of the rights of persons belonging to religious minorities

"China has no State religion. All faiths are equal, without distinction.

"The Chinese Constitution states that citizens enjoy freedom of religious belief and the freedom to believe in no religion; they are free to believe in any kind of religion; and to cease to believe in a religion they formerly believed in, or vice versa.

"The State protects normal religious activities and the lawful interests of religious circles. The Government does have a department of religious affairs, which is responsible for guaranteeing the application of its policy on freedom of religious belief.

"China follows a policy of religious independence, autonomy and self-management, and opposes any foreign influence over, domination of or interference in its domestic religious affairs in the interests of protecting its citizens' right to true freedom of belief.

"The Chinese Government actively supports religious organizations and members of religious circles within the country in establishing friendly contacts with foreign religious organizations and circles on the basis of the principles of sustained independence, autonomy and self-management and of reciprocal respect, and looks upon their international links as one element of the Chinese people's relations with the peoples of the rest of the world.

"III. Protection of the rights of persons belonging to linguistic minorities

"Under Chinese legislation, every nationality is at liberty to use and develop its own language and writing system.

"The Government assists minorities in arranging cultural education using their own languages and writing systems, and is helping the 10 minority nationalities that have no writing systems to devise one.

"Under article 6 of the Chinese Code of Criminal Procedure, citizens of every nationality are entitled to use their own languages and writing systems in conducting legal proceedings. The people's courts, people's procuratorates and public security authorities must arrange translation for individuals taking part in legal proceedings who are not proficient in the local language. In areas where minority nationalities are concentrated or where many are mingled, the local language must be used in interrogations, written court decisions, proclamations and other documents.

"With assistance from the Government, many regions have set up minority-language publishing and news agencies which put out newspapers, periodicals and books in the writing systems used by minority nationalities."

FINLAND

[Original: English]
[27 September 1993]

"1. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

"In order to promote the dissemination of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to promote understanding of it, the Ministry for Foreign Affairs of Finland sponsored a workshop, which was held in Turku, Finland, on 7 and 8 May 1993. The workshop was organized by the Åbo Akademi University Institute for Human Rights in Turku, in cooperation with the Ministry and its Advisory Board for International Human Rights Affairs, as well as the London-based Minority Rights Group (International).

"The workshop drew upon the participation of some 20 well-known experts from 11 European countries. A summary report on the workshop, published by the Institute for Human Rights in mid-May, was widely distributed at the CSCE Human Dimension Seminar on Case-Studies on National Minorities Issues: Positive Results, held in Warsaw on 24 to 28 May 1993. A more comprehensive report, containing the papers presented at the workshop, was published in early June (Alan Phillips and Allan Rosas, eds., The United Nations Minority Rights Declaration. Turku-London: Åbo Akademi University Institute for Human Rights-Minority Rights Group). Both reports were made available at the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, and at its parallel activities. At the World Conference, Finland made particular reference to the importance of the Declaration. The Finnish delegation also endeavoured to strengthen the passages on minority rights in the Vienna Declaration and Programme of Action, so as to reflect more fully the text of the Declaration on minorities.

"2. The national situation

"In Finland, social welfare and health-care services must be organized by the local administration, that is the municipalities. Finnish legislation obliges municipalities to make arrangements for the provision of social welfare and health-care services for their inhabitants. These services are financed mainly out of the government tax revenue. The legislation on the organization of these services includes provisions which are meant to ensure that minorities are treated in a proper manner.

"The social welfare and health service system is organized with a view to making these services available for the user in his or her own mother tongue. In a bilingual area, anyone is entitled to services in his or her own language, that is, either in Finnish or in Swedish. There are also special provisions on the use of Sami.

"The Act on the Status and Rights of Patients (785/92) includes provisions protecting minorities. Under the Act, every person who stays permanently in Finland is, without discrimination, entitled to health and medical care required by his or her state of health, within the limits of the resources which are available for health care at the time in question. The patient's mother tongue and his or her individual needs and culture must be taken note of as far as possible in his or her medical care and other treatment.

"According to the Act on Children's Day Care, the municipality is responsible for the provision of day care in the child's own mother tongue, either in Finnish, Swedish or Sami. The section on the objectives of children's day care deals with the needs of minorities not only in terms of the language issue but otherwise. Under the Act, day care shall, in the light of the child's age and individual needs and the overall cultural heritage, further his physical, social and mental development as well as contribute to his aesthetic, intellectual, ethical and religious education. Religious education shall be based on respect for the child's parents' or guardian's belief.

"There is an estimated Romany population (Gypsies) of 6,000 in Finland. The living conditions of the Romany population have considerably improved over the last decades. In spite of the special government housing programme, a part of this population group is either without a dwelling or lives in poor conditions. The educational level of Roma has improved, but many of them still do not finish comprehensive school and only few of them continue their studies at a vocational school or at a university. The Roma's employment opportunities are hampered by their poor education and the main population's suspicious attitudes.

"Finland has ratified, for instance, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. Finnish legislation also forbids discrimination on the basis of race, when, for example, a person is applying for a job or enters a restaurant. In practice, however, the Romany population often faces discrimination in everyday situations.

"In Finland, it has been considered important that the Roma have a chance to convey their opinions and to be involved when issues that concern them are being considered. An Advisory Board for Romany Affairs has been established in the Ministry of Social Affairs and Health. The Advisory Board was appointed by the Council of State, which has also decided on its tasks. The Advisory Board works to promote equal chances of social participation for the Romany population and to improve their economic, social and cultural living conditions. Furthermore, the Advisory Board aims to ameliorate the position of the Romany culture and Romany language.

"The Advisory Board has proposed that Finland should ratify the European Charter for Regional or Minority Languages, adopted by the Council of Europe in November 1992, and that the Charter would also relate to the Romany language."

GERMANY

[Original: English]
[8 July 1993]

The Permanent Mission of Germany to the Office of the United Nations and to the Other International Organizations at Geneva referred to the very detailed information on the rights of persons belonging to national or ethnic, religious and linguistic minorities in Germany contained in the eleventh and twelfth reports of the Federal Republic of Germany submitted pursuant to article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination submitted in one document (CERD/C/226/Add.7) on 3 February 1993, a copy of which was attached to the note verbale and is available for consultation in the files of the secretariat. It contained information on the status of and legislation for minorities in Germany, proving Germany's commitment to the minorities living in Germany: it was the German Government's understanding that its implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities did not require any further information.

GREECE

[Original: French]
[15 July 1993]

"The Muslim minority in Thrace

"The Treaty of Lausanne, which ended the Greco-Turkish war (1919-1922), determined the present territorial status of the two countries.

"A separate Convention made provision for the compulsory exchange of the Greek population of Turkey for the Muslims of Greece.

"The Greeks of Istanbul and those of the islands of Imbros and Tenedos, on the one hand, and the Muslims of western Thrace, on the other, were, however, exempted from this exchange.

"The status of minorities laid down in the Treaty of Lausanne was based on two principles:

(a) The principle of reciprocity ...

(b) The principle of the numerical balance of the populations that would not be exchanged ...

"The various ethnic groups each have their own language, their own cultural heritage and their own history. It should be noted the Pomaks inhabit the mountainous area of Rhodope.

"Since the economic development of the region has not reached a satisfactory level, Greece adopted in 1991 a wide-ranging plan aimed at ensuring the economic take-off of the region and improving living conditions for the whole of its population, both Christian and Muslim.

"The Greek Government has recently taken a series of additional measures, in order to ensure the effective and scrupulous implementation of contemporary international instruments, such as the chapter of the Conference on Security and Cooperation in Europe on the human dimension.

"Even after this addition, pre-existing legislation retains all its validity inasmuch as it ensures respect for the distinctive characteristics of the Muslim minority, which are due precisely to the influence of religion on the mode of life. This is particularly the case in the areas of education, worship, local administration and some other areas.

"1. The teaching of Islam and of the only minority written language, namely Turkish (since the Pomak and Gypsy languages have no written form), is effected by over 240 institutions of primary and secondary education in Thrace, which are attended by more than 10,000 schoolchildren.

"This teaching is imparted by a large number of teachers (770), over 250 of whom are Turkish-language graduates of the Thessaloniki Teacher Training College.

"It should be noted that a new law is now under preparation whereby the above-mentioned Teacher Training College will be elevated to the status of a university establishment providing a course of study at the appropriate level. These studies will be divided into a pedagogical branch and a theological (Islamic) branch, and it will be up to those concerned to choose which one they wish to attend ...

"2. As to religion, it is primarily article 13 of the Greek Constitution that proclaims freedom of religious conscience and the unhindered practice of worship.

"Some special aspects of the practical application of this principle in respect of the Muslim minority are described below.

(a) Two Koranic schools have been functioning in the towns of Komotini and Echinos since 1949 and 1956 respectively. These schools provide religious

education for Muslims who hope either to continue their studies in higher-level religious institutions or to serve as hatip, imam, etc. (i.e. join the Muslim 'clergy').

(b) There are in Greek Thrace three muftis, one for each of the three prefectures of the region, where the mufti constitutes the highest Muslim authority in spiritual and religious matters and possesses administrative authority over the 'clergy' within his jurisdiction.

"It must be stressed here that, in addition to his authority in religious matters, the mufti is a judicial authority in civil matters. This authority is exercised in the fields of marriage, divorce, maintenance, guardianship, emancipation of minors, Islamic wills and intestate succession. It goes without saying that all this follows from the application of the Holy Islamic Law (the Shariah). The documents drawn up by the mufti being official instruments, are immediately recorded in the civil registry.

"It should be noted that the adjudication of disputes in accordance with the Shariah results, for Muslim women, in the application of rules that are less flexible than those of the ordinary law. The Civil Code accordingly gives Muslim women the right to opt either for the Islamic jurisdiction or for the ordinary jurisdiction so as to give them a free choice between civil and religious marriage.

"This is perhaps a unique phenomenon in Europe in that the rules of Islamic law continue to be applied by the courts in a European country.

"Before concluding this chapter, we must stress a fact which is of major symbolic importance. It is on the Koran that all Muslims of Greece take their oath when the law requires this solemn proceeding: this is the case, in particular, before the courts where appropriate (it should also be noted that the courts have available specialized interpreters who as a matter of course assist Muslims who appear before them and declare that they do not have a good knowledge of Greek), during military service or when elected deputies.

"3. With regard to local government, in the towns and villages of Thrace with a Muslim majority, a Muslim mayor is generally elected (there are at present in Thrace 23 presidents of communal councils, 186 municipal councillors and 11 members of municipal councils of the Muslim faith). In the communes with a Christian majority, it is very common for many Muslims to form part of communal councils.

"4. In legislative elections, the minority has been electing representatives of its choice - Muslim or Christian - to Parliament from 1927 until the present day.

"5. Freedom of association, as specified in article 12, paragraph 1, of the Constitution, is fully applied with respect to Muslims. A number of non-profit-making Muslim associations with a variety of different objectives (religious, cultural, scientific, etc.) function freely in Greece.

"6. As concerns freedom of expression, free circulation of ideas and freedom of the press, as well as the right to information, it should be noted that

over 12 Turkish-language newspapers circulate freely in Thrace, as has indeed been constantly the case in the past since 1925 for other Turkish-language newspapers, thus indicating a long tradition in this area.

"Furthermore, Greek radio stations broadcast daily information bulletins and other material in Turkish, not to speak of the completely unhindered reception of all radio and television broadcasts from neighbouring Turkey.

"In conclusion, it should be specified that it has been duly impressed upon officials of the region that they must scrupulously apply the rules guaranteeing to the minority the full enjoyment of human rights. It is accordingly clear that Greece pursues in respect of the Muslim minority in Thrace a policy calculated to ensure their well-being."

HUNGARY

[Original: English]
[28 September 1993]

"The Hungarian National Assembly passed a law on the rights of national and ethnic minorities on 7 July 1993. 2/ The Law, based on European standards, was elaborated with the full involvement of minorities living in Hungary, whose representatives took part in the law-making process on an equal footing. It summarizes all the principles which provide for the development of national and ethnic minorities. The main elements of the Law refer to self-government, cultural autonomy, the recognition of the rights of minorities as collective rights and the freedom of choice of national identity. Although the Law cannot replace the activity of minorities, it is capable of overcoming the disadvantages stemming from minority status. It contributes to the preservation of the national identity and mother tongue of minorities and to the development of their cultures.

...

"The Slovaks of Hungary

"The existence and characteristics of the majority of the ethnic minorities presently living in Hungary are tied to the great migrations of the seventeenth and eighteenth centuries as a result of which linguistic islands were formed. This is also valid for Slovaks in Hungary. The specific features of the Slovak minority in Hungary are due to the historical fact that they resettled in the same State when they left their birthplaces in present-day Slovakia.

"Since the settled Slovaks came from different regions they differ not only in their spoken dialect but in their religious affiliation as well. Despite the contra-protestant efforts of the seventeenth century, most of them in Nográd and Pest counties and in the Southern plains have remained Evangelical. The greatest number of Catholic groups are to be found in the Pilis mountains and dispersed throughout Heves and Borsod counties ...

2/ Available for consultation in the files of the secretariat.

"Amongst all the nations of historic Hungary, the Trianon Peace Treaty (1921) brought the widest changes for Slovaks. Slovaks had lived entirely within the confines of the old Hungarian State until 1918 and as such were not recognized as a nation. Now, together with the Czech nation, they formed a new, independent State. As a result of the border changes, the Slovak linguistic islands remaining in Hungary became divided from their nation-creating ethnic group ...

"The period between the two world wars was a decisive period for Slovak national existence in so much as the oppressive nationality policies of Horthyist Hungary concentrated exclusively on nationalities living in small linguistic islands which had already been neglected, and this influence was felt more and more in the areas of economics, politics and culture ...

"Social changes and the political activity of minority inhabitants were signalled by the fact, that as a result of political pressure emanating from Hungarian and foreign democratic forces, the first democratic nationality political organization was formed in 1945. At the initiative of Serbs and Slovaks in Békés county, the Anti-Fascist Front of Slavs in Hungary was formed. In February 1946, after a long debate, the agreement on a Czechoslovak-Hungarian population exchange was signed, with the blessing of the world Powers. At the beginning of the new social order, ethnic Slovaks in Hungary became instruments of foreign policy and inter-State relations for the first time, even if their role subjectively differed from that of ethnic Hungarians who were entirely at the mercy of political aspirations during the Slovak-Hungarian population exchange.

"The Hungarian Government did not agree with the population exchange and considered it a 'painful operation' which would not solve the problem of ethnic Hungarians in Czechoslovakia, in addition to being a severe ordeal for both States ... During the population exchange, 73,273 ethnic Slovaks repatriated from Hungary to Slovakia. The remaining Slovaks in Hungary were not just numerically diminished. As a result of the resettlements, ethnically relatively compact communities with over 200 years of tradition, which had preserved and maintained the language, customs and culture of Slovaks in Hungary, were broken up. It was a heavy loss, even more so because the most self-conscious stratum of the Slovak minority was the one to resettle.

"The Democratic Alliance of Slovaks in Hungary was formed on 18 December 1948. Beginning in January 1949, local chapters of the Alliance formed in Slovak settlements ... The Slovak Alliance hardly had the time and opportunity to develop its ethnic policy and activities. After 1951, ethnic Slovaks' room for movement and their connection with other Slovaks was reduced to a minimum, and restricted exclusively to the cultural domain ...

"The Ludove Noviny (People's Newspaper) appeared for the first time in 1957, its predecessor, the Nasa Sloboda (Our Liberty), having appeared for the last time in October 1956. In this period, ethnic Slovaks in Békés county raised the necessity of forming local organizations, because they believed that the preservation and protection of Slovak activity, language and culture could only be accomplished in this manner.

"Between 1948 and 1958 the following institutions were created: 19 kindergartens, in which children also received a Slovak language education; and six Slovak-language schools, in which all subjects were taught in Slovak except for Hungarian language and literature.

"In the 1958-1959 school year, Slovak was taught as a separate language in 112 schools. Training of high-school teachers took place at the Slovak-language Teacher Training Institute in Budapest and in the high-school in Békéscsaba ...

"Since 1955, a Slovak department was started up at the Juhász Gyula Teacher Training College in Szeged ... During the 1960-1961 school year, the few entirely Slovak-language schools that existed were transformed into bilingual institutions in which liberal arts were taught in Slovak and the natural sciences in Hungarian. The intellectuals of today were taught in these 'Slovak' educational institutions, torn away from their original ethnic communities. Therefore, they cannot reconcile their professional lives with assuming representative positions in the Slovak community.

"The 1960s were characterized by stagnation. The Slovak Alliance showed no results; only poorly equipped local folk song and dance ensembles functioned. The present situation proves that the demise of ethnic culture, its institutional network and language use should not have been watched indifferently.

"At the end of the 1970s a new upswing occurred. A practically unknown creative activity developed within Slovak culture: Slovak-language literature and academic and scientific works appeared in Hungary. In 1972, within the framework of the county library network, ethnic departments were created, and within these, central Slovak-language libraries.

"Slovak-language radio broadcasting began in the middle of the 1970s. Slovak-language television broadcasting began in 1983 (the last among the broadcasts of ethnic minorities in Hungary) at the Hungarian Television Studio in Szeged. The reception it received was very positive.

"Ethnic Slovaks' possibilities for action and the pre-conditions necessary to develop their society are restricted by the following factors: living dispersed through the county, disadvantageous settlement structures, decreasing employment opportunities, lack of an ethnic social organization to consolidate the local societies.

"Almost three quarters of ethnic Slovaks work in agriculture. There, and in other economic areas, they are characterized by diligent and efficient activity.

"In reality, the right to use the Slovak language is guaranteed in only limited areas. 'Officialdom' usually argues that all ethnic Slovaks in Hungary speak Hungarian; moreover, 'they do not even desire' Slovak to be an administrative language. There is some truth to these statements, but it is also true, that ethnic Slovaks who are now middle-aged almost all received an exclusively Hungarian-language education, through no fault of their own. Although the older generation feels the inner need to use its native language,

social practice has not eliminated the ingrained reflex that the Slovak language is not totally valuable, and that its administrative usage is shameful.

"In the last two years, the activity of the ethnic Slovak organizations has been characterized by a realistic evaluation of the situation and confrontation of the problems. In addition to the Democratic Alliance of Slovaks in Hungary (DASH), the Slovaks' Free Organization (SFO), the Slovak Youth Organization in Hungary (SYOH) and the Slovak Writers' Association in Hungary (SWAH), the so-called alternative organizations, were created in 1989 ... The aim of all four organizations is the survival and development of the minority, but their methods differ and their interests are not the same. For example, SFO speaks about destroyed, Hungarianized Slovaks, who might be saved only by opening Slovak-language kindergartens and schools in every 'originally Slovak-inhabited' settlement. DASH speaks about accommodating, loyal Slovak inhabitants who 'feel at home' and whose loss of knowledge of their native language as well as their ethnic identity is at an advanced stage. DASH also considers the functioning of mono-lingual Slovak-language schools to be necessary, but only where these are requested.

"The natural assumption of minority existence is a long process, having several components. The Government's position on minorities is especially important. The present Hungarian Government does not assume responsibility for the minority policies, shortcomings and mistakes of the former regime, and handles the minority issue according to new principles.

"The Hungarian State makes possible the usage of the minorities' native language in general, and in civil lawsuits, criminal and administrative proceedings. The Hungarian Republic protects the self-administration rights of the minorities in chapter 11 of the law on the election of local self-governmental representatives and mayors. At the legislative level, the Hungarian Government intends to create the legal institution of a parliamentary Ombudsman for human rights.

"The State is trying to ensure that minorities and the question of their rights are handled by a separate office staffed primarily by members of the minorities themselves, as the Office of National and Ethnic Minorities of the Republic of Hungary is. At the local level, special minority delegates deal with minority problems of the affected countries ...

"In concluding this summary of the Slovak minority's living conditions, a specific circumstance should be emphasized. On the basis of experience, given historical circumstances always demand a greater than average effort from ethnic groups in order for them to survive. Although Hungary's Constitution and Government guarantee the basic conditions necessary for the realization of minority life, the willingness of individual Slovaks and their community to make sacrifices is not dispensable.

"Therefore every step and action which strengthens Slovaks' sense of identity and contributes to the preservation of Slovak values is vital. This would ensure the success of the process whereby ethnic Slovaks in Hungary preserve their uniqueness, integrate naturally into the collective of peoples living together in Hungary and also vitalize their ethnic community."

JORDAN

[Original: Arabic]
[7 October 1993]

"There are two types of minorities in Jordan:

1. An indigenous group of the same ethnic origin as the rest of the country's population but differing from them in religious faith (Christians);

2. An ethnic minority holding the same religious beliefs as the majority of the population and using the Arabic language.

"In both cases, the Jordanian Constitution grants the minorities all the rights enjoyed by other citizens, without any discrimination. The religious minority has full freedom to practise its rites and observances and to celebrate its festivals and religious events and its members who are civil servants are granted official holidays on such occasions. The ethnic minority has the right to preserve its language and to propagate its culture, values and traditions, in addition to the right to establish associations and institutions to strengthen mutual links among its members. It also has full freedom to contact members of the same ethnic group outside the country."

NORWAY

[Original: English]
[2 July 1993]

"I. The term minorities is used below in a broad sense, meaning national and ethnic, linguistic or cultural groups which differ in significant respects from other groups within the State. A distinction is also made between 'recent immigrant groups' and 'settled minorities'.

"During the 1980s, approximately 25,000 foreigners acquired Norwegian nationality. The number naturalized annually has been on the increase in recent years.

"Among the so-called 'settled minorities', the Sami people are the only minority group considered to be indigenous people in Norway. There is no official figure for the number of Sami living in Norway, but the population is estimated to be about 40,000, most of whom live in the northern part of Norway. Approximately 350 gypsies are Norwegian citizens.

"A third minority group which should be mentioned in this connection is the so-called Kvener. They are of Finnish stock, descendants of Finnish immigrants who settled in northern Norway in the seventeenth and eighteenth centuries, and are estimated to number approximately 2,000.

"II. Norway does not have special procedures for formal recognition of minorities. If minorities are granted special rights, or special measures are implemented concerning minorities (for example, the use of minority languages, educational and cultural measures, etc.), this is normally organized by the sector involved.

"The status of the Sami people is established in both the Constitution and the Sami Act.

"Article 110 (a) of an amendment to the Norwegian Constitution of April 1988 states:

'It is the responsibility of the authorities of the State to create conditions enabling the Sami people to preserve and develop its language, culture and way of life.'

"There are similar provisions in Section 1-1 of the Sami Act (June 1987), which also established the Sami Parliament, a body with some executive powers, and with consultative status vis-à-vis the national authorities where questions concerning the Sami population are involved. The Assembly was constituted and opened by the King on 9 October 1989. The 39 members of the Assembly are elected by and among registered Samis through a process identical to the general elections.

"III. Recent immigrant groups run a great variety of voluntary organizations. These are mainly local organizations, although regional and national ones exist. Immigrant organizations, including religious communities, receive a substantial part of their funding from various government sources.

"Except for religious teaching by the congregation (and to some extent schools initiated by North Americans, the British and French), recent immigrant groups have not yet started their own schools in Norway. Their needs are as far as possible met within the public school system. However, if they decide to start private schools, these may obtain public assistance, as long as they fulfil general requirements for such funding.

"The following cultural and educational institutions for the Sami People should be mentioned.

"The Sami Education Council is an advisory body to the Ministry of Education and other agencies in matters concerning education among the Sami People.

"A Sami College of Education was established in 1989. The College has about 80 students, most of whom are teacher training students.

"Regular broadcasting in the Sami language started in 1946. Today the Norwegian Broadcasting Corporation transmits more than 300 hours a year through the Sami Radio in Karasjok.

"In addition to local immigrant radio stations broadcasting in a number of languages, the national Norwegian Broadcasting Corporation transmits news and cultural radio programmes in Urdu, Punjabi and Turkish weekly.

"General guidelines for Norway's cultural policy for the years ahead have been drawn up in reports to the Storting (Parliament). The major aim of these reports is to promote cultural democracy, and the key words are

decentralization and participation. In this connection it should be mentioned that the Sami Parliament has newly established a Sami Cultural Council.

"Practical measures for the realization of the right to participation in cultural life, apart from the educational laws, include the following.

"There are annual budgetary contributions for cultural purposes at national, regional and local levels. A scheme has been in operation since 1986 by which the State transfers funds directly to the local and regional authorities. The State also finances the Norwegian Cultural Fund, which aims to stimulate cultural activities at all levels.

"IV. The Norwegian Government allocates funds for the special educational needs of linguistic minorities, including recent immigrant groups. A substantial proportion of these funds is used for teaching the mother tongues of such minorities, mainly at the compulsory primary and lower secondary levels of the school system. However, such teaching is not a legal right. Approximately half of all the minority language students thus received such education through the public school system. The highest proportion of pupils receiving education in their mother tongue is found among native Urdu speakers (approximately two thirds).

"Since 1967, the Act concerning primary and lower secondary education has included the right to learn Sami. The Act on primary school has recently been amended to strengthen that right. Children in Sami districts are entitled to be educated in or be taught the Sami language, and the municipal council may make such education compulsory. Outside Sami districts, children with a Sami background may receive education in Sami; if there are at least three Sami speaking pupils in a school they may demand such education.

"The Sami Act gives Sami speakers the right to use their language in contacts with local and regional authorities.

"Six municipalities in the counties of Finnmark and Troms, where the Sami language has a strong position, form an administrative area for the Sami language where special rules apply. It is estimated that around 7,500 people in this area are Sami speakers. In the administrative area, local public bodies are obliged to answer in Sami if a member of the public makes contact in the Sami language, orally or in writing. Regional public bodies whose authority extends across the whole or part of the administrative area, shall likewise answer in Sami if they receive written applications from members of the public. The King may extend these duties to other public bodies (outside the administrative area or nationality).

"Employees in public bodies to which these rules apply have a right to paid leave in order to learn Sami, if the body needs such competence. There is no requirement for all employees to master Sami, and the body may use interpreters if this is appropriate.

"In addition to these general rights, extended rights apply in the judicial sector, the health and welfare sectors and vis-à-vis the Church. In the judicial sector (the police, the courts, the penal institutions, etc.) the Courts of Justice Act states that a person who does not understand

Norwegian is entitled to an interpreter. The rules cover Sami, but also other languages. The Act extends this right for Sami speakers. If they wish to use Sami in court, they are entitled to do so whether or not they understand and master Norwegian, and the court must provide an interpreter. Whenever the right to submit oral applications exists, for example a demand for appeal, the Sami language may be used. The same rights apply to patients/clients in health and welfare institutions, such as hospitals, and where individual church services are concerned.

"Official announcements which are directed especially at the population in the administrative area shall appear in both Sami and Norwegian. Laws and regulations which especially concern the Sami population shall be translated into Sami. Official forms to be used in contacts with public bodies in the administrative area, shall be available in both Sami and Norwegian.

"Municipal councils have the authority to decide that in the whole or parts of their administrative areas Sami shall have equal status with Norwegian. This applies only to the internal administration.

"A Sami Language Council has been established. The Council's field of work is to preserve and develop the Sami language, to give advice and assistance to the public and the authorities on language questions, to inform people about the rules, to produce a yearly report on the status of the Sami language, etc.

"Everyone shall have the right to learn Sami, either through adult education or in accordance with the Act concerning primary and lower secondary education.

"V. Foreigners with three years' continuous residence in Norway have full voting rights in local and regional elections. In addition, the Ministry of Local Government has appointed a Liaison Committee between immigrants and the Norwegian authorities, in which all matters of principle relating to Norwegian immigration/immigrant policy are discussed. In addition, some important policy documents are sent out to immigrant organizations for review.

"VI. Several special policy measures exist, for example, mother tongue teaching and interpreting services, which are intended to improve the situation of the minorities.

"As a consequence of the special legal status of the Sami People (see II above) affirmative action is considered to be the official policy towards the Sami People, and they benefit from affirmative measures in various fields. In addition to legal measures, the Government also employs financial and organizational measures to implement the Sami Policy. Approximately Nkr 200 million is used each year for direct State support of various Sami activities, institutions, etc.

"VII. The principle of non-discrimination is a well-established unwritten principle of Norwegian law.

"Any person who claims that an administrative decision or regulation does not comply with this principle may address the appropriate court.

"Furthermore the Norwegian Penal Code prescribes punishment for various types of discrimination."

ROMANIA

[Original: French]
[1 July 1993]

The Permanent Mission of Romania to the United Nations Office and the Other International Organizations at Geneva has advised the Centre for Human Rights of the existence of the Advisory Council for National Minorities, a body consisting of representatives of the national minorities in Romania and representatives of the Government.

"The objectives of the Advisory Council for the National Minorities of Romania include: consideration of the specific problems, and formulation of recommendations, concerning the rights of persons belonging to national minorities. The Council is also empowered to prepare drafts of normative or legislative instruments relating to the rights of persons belonging to the minorities and to submit them to the Government for approval and subsequent submission to Parliament. The powers of the Council include that of arranging for contacts and exchanges of information and documentation with other governmental or non-governmental, national or international bodies concerned with the field of human rights, and in particular the rights of persons belonging to national minorities, as well as participation in international meetings on the subject.

"The coordinator of the Advisory Council for the National Minorities of Romania is Mr. Viorel Hrebenciuc and correspondence may be sent to the following address: Piata Victoriei No. 1, Section 1, Bucharest, Romania."

UKRAINE

[Original: English]
[15 July 1993]

"Ethnic minorities in Ukraine

"Ukraine has the second largest population of the newly emerged sovereign States in the territory of the former USSR. According to the census of 1989, the population of Ukraine numbers 51.7 million, including 22 per cent Russians, 0.9 per cent Jews, 0.9 per cent Byelorussians, 0.6 per cent Moldovians, 0.4 per cent Poles and Bulgarians, respectively, and 2.8 per cent representatives of other nationalities. Representatives of ethnic minorities constitute almost a quarter of the population.

"From the first days of its sovereign existence, the Ukrainian State has undertaken to protect the ethnic, cultural, linguistic and religious originality of national minorities. Consistently, step by step, it is creating favourable conditions for their self-expression, providing the

mechanism for protecting their rights and interests with true meaning. Still, it should be noted that at the present stage these efforts are somewhat hampered by unfavourable economic conditions.

"An extensive political and legal basis in the field of inter-ethnic relations is being laid in the Republic ... .

"Among major legislative acts on this issue, the Declaration of the Rights of Nationalities of Ukraine and the Law of Ukraine on National Minorities should be mentioned. A number of legal principles and procedures protecting the rights of national minorities are provided by the Acts on the Citizenship of Ukraine, on Associations of Citizens of Ukraine and on Fundamentals of Legislation on Culture. The draft Constitution has laid a legal foundation under these acts.

"According to CSCE experts the above-mentioned acts correspond to international human right standards, and provide ethnic minorities with far more rights than is required by the International Covenant on Civil and Political Rights.

"Among the most important principles of the national policy, the draft Constitution defines the necessity of free development in the spiritual sphere and the realization of cultural autonomy. This is as it should be, since a high level of education and cultural development of a society can secure peace and accord, and an appropriate level of mutual understanding in the field of inter-ethnic relations.

"The main trends of Ukraine's policy in the field of inter-ethnic relations are the following:

- revival of statehood and self-identity of the Ukrainian people;
- ensuring conditions for equal development of ethnic minorities in Ukraine;
- exoneration of deportees;
- protection of the rights of Ukrainian minorities outside Ukraine.

"The Ukrainian State, reviving its own national culture, respects and protects the rights and interests of ethnic minorities, including those of the Russian minority, numbering 11 million people ... .

"Satisfying ethnic minorities' needs in the field of culture

"There are about 200 ethno-cultural societies in the Republic: 44 of them are in Kiev. The Ukrainian-German Foundation, the Deported Peoples of the Crimea Foundation and the National Cultures Development Foundation were established at the Committee for Nationalities (now the Ministry for Nationalities and Migration) by decrees of the President and the Cabinet of Ministers.

"The Supreme Rada exempted ethno-cultural societies and their structures from all taxes.

"Tangible developments are taking place in ethnic dramatic musical art, amateur and folk arts and the activities of libraries and museums.

"There are 14 Russian drama theatres among the national theatres of Ukraine. The Crimean Tatar Musical Drama Theatre has been established and a Hungarian drama theatre is to be opened next autumn. There are three Jewish drama schools in Kiev and Odessa.

"The Friendship of Nations Library, Polish and Jewish libraries, and the library of Turkic languages and literature are located in the capital. The Crimean Tatar Library was opened in Bilogirsk district in the Republic of the Crimea. Regional universal scientific libraries in the Volyn, Donetsk, Transcarpathian, Odessa, Chernivtsi regions have ethnic minorities departments.

"There are about 2,000 various ethnic amateur performance troupes in Ukraine, most of them Romanian (450), Moldovian (324), Crimean Tatar (274), or Russian (216).

"The Jewish, Crimean Tatar and German cultures, which suffered most in the totalitarian times, are gradually resuscitating. There are now dozens of Jewish cultural and educational centres, as well as public organizations and societies, in more than 70 cities and towns of Ukraine. The Germans of Ukraine Society, 'Wiedergeburt' (Revival) has extensive activities ...

"School manuals in minority languages are published. For instance, for the 1992/1993 school year, the Osvita Publishing House published 35 titles of manuals with an overall edition of 157,000 copies for schools in Ukraine with Hungarian, Romanian and Polish as the languages of instruction.

"Newspapers and magazines are published in the languages of the minority ethnic groups. For instance, five newspapers and two magazines are published in the Crimean Tatar language, and the all-Ukrainian newspaper 'Roden krai' is published in Bulgarian.

"The duration of local broadcasting in languages of ethnic groups in places of their compact residence is being extended.

"Over 6.8 million students study in 21,000 day-time schools providing general education. Instruction is mainly in Ukrainian (43.4 per cent) and Russian (50 per cent), but about 14,000 students study in Moldovian (in the Odessa and Chernivtsi regions), 19,000 in Romanian (in the Transcarpathian and Chernivtsi regions), 18,000 in Hungarian (in the Transcarpathian region), 547 in Polish (in the Lviv region) and 142 in the Crimean Tatar language (in the Crimea).

"The Kiev Teacher Training University has opened a Jewish department, and the Kiev Theatre Art Institute a Jewish actors' studio. The Solomon University has opened in Kiev. The Kiev Theatre Art Institute is training

personnel for Hungarian drama theatre. Under special agreements, Moldova conservatoire and Kishinev University are training specialists for cultural and educational establishments.

"About 25,000 schoolchildren of Crimean Tatar nationality in different forms of education study their native language.

"The problem of returning the deported nations

"A big problem for Ukraine is the issue of returning deported nations: Germans, Crimean Tatars and other peoples. According to the 1989 census, 38,400 Crimean Tatars resided in the Crimea. Their mass resettlement began early in the 1990s. As of 1 January 1993, 205,000 citizens deported earlier had returned to their native land to live in the Crimea.

"By the end of 1993, the return of 69,000 deported citizens, including 52,000 Crimean Tatars is expected. This year a growing number of Bulgarians, Hungarians, Greeks and Germans are returning to the Crimea. It is expected that about 40,000 Germans will return to the southern regions of Ukraine.

"The solution of these problems involves considerable material expense. The Government of Ukraine is taking measures necessary to settle practical issues relating to the return of the deported Crimean nations to their historical motherland and to their places of traditional residence. In accordance with a resolution of the Cabinet of Ministers of Ukraine of 28 January 1992, a Republic commission for the deported peoples of the Crimea has been formed.

"The Cabinet of Ministers of Ukraine has allocated 7,107.2 million krb. to finance appropriations in connection with the return of Crimean Tatars.

"The Resolution of the Republic of the Crimea Cabinet of Ministers of 5 June 1992 confirmed the 'Plan for the settling and employment of Crimean Tatars in the Crimea for 1992-1995'. The stage-by-stage resettlement process is to be completed by the end of 1995.

"Some consequences of the russification policy for Ukraine

"Ukraine and Russia, being parties to the major United Nations instruments in the field of human rights and the rights of national minorities, undertook to be guided by the provisions of those instruments in their policies in this field. As is known, great attention is paid to minority rights protection within the framework of the European structures (CSCE and the Council of Europe), which both Ukraine and Russian are striving to cooperate with.

"In working out fundamental guidelines of cooperation between two sovereign States in the field of ensuring national minority rights, it is necessary to take account of the consequences for Ukraine of the forced russification policy carried out for centuries.

"Efforts aimed at the ethnic and political revival of Ukraine and its derussification should in no way infringe upon the rights of the Russian minority, numbering 11,355 million people and constituting 22.1 per cent of the Ukrainian population (as of the 1989 census).

"On the other hand, there are 4,362 million Ukrainians living in the Russian territory. As a result of the russification policy, there is a striking contrast in satisfying their needs in the field of national culture and education compared to those of Russians in Ukraine. Present bilateral cooperation based on reciprocal respect and consideration of interests should promote the elimination of this historically based injustice.

"The following information, based on official statistical data and materials of the First World Ukrainian Congress (Kiev, August 1992) reflect the dynamics of the revival of Ukrainian culture in Ukraine, as well as the present situation of Ukrainian centres and organizations in Russia in the field of national education and culture. 3/

"Let us take the sources of the existing problem. Tsarist Russia carried out its russification policy for centuries. Suffice it to mention Peter the Great's Decree prohibiting the publication of religious books in the Ukrainian language, as well as the circular of 18 July 1863 issued by Minister of the Interior, Valuyev, entitled 'On Prohibition of the Ukrainian Written Language'. In accordance with them, it was strictly forbidden to publish books in Ukrainian 'of an educational character and generally intended for elementary popular reading' (even texts of musical compositions) or to bring such literature from abroad, or to stage plays in Ukrainian.

"Attempts to russify Ukrainians both in the territory of Ukraine and beyond continued after the revolution of 1917 and were characterized by even greater severity and scope. This was justified by forming 'a new historic community - the Soviet people'. Such a policy resulted in the ousting of the Ukrainian language from the field of State activities, in the workplace and in the field of science. We shall illustrate it with some figures. Practically all State documentation was in Russian. Only recently has this situation begun to change.

"There is a State Russian art museum in Kiev. In various cities of Ukraine, there are literary and memorial museums dedicated to outstanding men of Russian literature, art and science. Figures indicate that the existing Ukrainian system of education, culture and education centres, and the mass media adequately satisfies the needs of the Russian population, numbering 11 million. There are about 30 Russian folk art groups in Ukraine. Russian cultural societies are active and receiving the necessary support from State bodies.

"The Law of Ukraine on National Minorities is being actively implemented. As has been shown, the independence of Ukraine has had no impact on the status

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3/ A list of Ukrainian public organizations existing in Russian and a list of major anti-Ukrainian decrees and instructions of past years are available for consultation in the archives of the Centre for Human Rights.

of the Russian population there. One cannot speak of any infringement of rights. In a number of cases one can even speak of this national group having certain privileges compared to others, including Ukrainians.

"In Russia, the same policy of russification deprived the Ukrainian diaspora of State support. At present, there are 4,362,872 Ukrainians living in Russia: they constitute 3 per cent of the entire population of Russia. There are 57 Ukrainian societies 4/ established on Ukrainian initiative.

"The elementary conditions for satisfying the cultural needs of the diaspora are lacking.

"Since independence, the national consciousness of the diaspora has been growing along with the revival of Ukraine.

"The Russian State does not extend any support to the diaspora. There is no relevant legal basis. There is not a single state Ukrainian secondary school in the Russian territory, Ukrainians in Russia have no possibility to listen to Ukrainian radio programmes or to watch Ukrainian programmes to say nothing of creating their own. There is not a single Ukrainian theatre in Russia, and only one bookshop (in Moscow) selling books in Ukrainian ...

"Local authorities oppose developing Ukrainian cultural organizations. Only some societies can boast of support from local authorities. There is a lack of means, premises, and qualified personnel capable of conducting cultural and educational activities on a high professional level.

"It should be noted that at present Ukrainians are deprived of things they used to have in the 1920s and 1930s. Thus, in the field of education in 1931 in the North Caucasian Territory alone there were 950 Ukrainian schools, 12 Ukrainian vocational schools, the M. Skrypnik Teacher Training College, as well as the Ukrainian branch of the Kuban workers' high school ...

"Ukrainian books, literary periodicals and miscellanies were published by the publishing houses of Rostov-on-Don, Saratov, Moscow, Krasnodar; newspapers were published in Voronezh, Khabarovsk, Samara, Saratov, Krasnodar, Spassk, Taganrog, Kalach and many other towns of the Russian Federation. In 1931 an editorial and publishing department for mass publications in Ukrainian was set up at the Lower Volga Territorial Amalgamation of State Publishing Houses. One hundred and forty-nine titles of Ukrainian books and booklets with an overall circulation of 968,000 copies were put out in the North Caucasian Territory during 1931 and the plan for 1932 envisaged 600 book titles with an overall circulation of 4.8 million copies ...

"One cannot but agree that the movement towards national and cultural parity of Russians in Ukraine and Ukrainians in Russia was cut short by the Stalin and Brezhnev policy of total russification.

4/ The list is available for consultation in the archives of the Centre for Human Rights.

"Unlike Russians in Ukraine where, as has been pointed out above, the State provides them with exceptionally favourable conditions for the preservation of their national and cultural identity, traditions and language, millions of Ukrainians residing in Russia are still deprived of such opportunities. And they want to be full-fledged citizens of their country - Russia.

That is why the issue of the national and cultural parity of Russians in Ukraine and Ukrainians in Russia is acquiring particular urgency today and awaits a practical solution. Specific steps need to be taken in this direction, first of all in regard to the largest and well-organized Ukrainian community in Moscow:

- The establishment of a Ukrainian cultural centre in Moscow ... The Ukrainian public in Moscow, as well as the Government of Ukraine, has repeatedly addressed relevant applications to the Moscow and Russian authorities.

- The provision of systematic television and radio broadcasting in localities of compact residence of Ukrainians in Russia.

- The establishment of a Ukrainian library with reading and exhibition halls in the Mazepa Mansion building in Moscow.

- The provision of premises and financial aid to the 'Ukrainian Courier' newspaper (Moscow) and its information and publishing centre, now being established in Moscow.

- The establishment of a Ukrainian art museum in Moscow capable of collecting, cataloguing and exhibiting Ukrainian cultural treasures scattered around various locations in Russia.

- The formation of a research and educational centre in Moscow (probably a university) specializing in Ukrainian studies, and in training teachers and culture educators for the Ukrainian diaspora in Russia, as well as other specialists in humanitarian and other fields.

- The organization of a network of Ukrainian kindergartens and schools in places of residence of Ukrainians.

- The provision of separate premises to Ukrainian cultural societies in Russian cities for organizational and cultural activities, as well as church premises for Ukrainian religious communities in their places of origin.

"Solving these problems would minimally compensate the expenditure of the Ukrainian State budget allocated for satisfying national and cultural requirements of Russians in Ukraine."

YUGOSLAVIA

[Original: English]
[2 August 1993]

"A. Introduction

"1. The Federal Republic of Yugoslavia is a State with the multi-ethnic structure in which members of national minorities and various ethnic groups account for over one third of the total population. The national composition of the population, under the 1991 census, is given below.

Nationality	Serbia	Montenegro	Federal Republic of Yugoslavia
Serbs	6 446 595	57 453	6 504 048
Montenegrins	139 299	380 469	519 766
Albanians	1 674 353	40 415	1 714 768
Yugoslavs	323 625	26 159	349 784
Hungarians	343 942	205	344 147
Muslims	246 411	89 614	336 025
Macedonians	46 046	1 072	47 118
Bulgarians	26 876	46	26 922
Romanics	140 237	3 282	143 519
Croats	105 406	6 244	111 650
Slovaks	66 798	65	66 863
Romanians	42 331	33	42 364
Others a/	203 948	10 026	213 974
Total	9 778 991	615 035	10 394 026

a/ Others include Vlachs (17,810), Ruthenians (18,339), Turks (11,501), Bunjevci (21,434), Jews (1,230), Greeks (1,018), etc. who did not declare themselves in favour of any nationality.

"2. The Federal State and its member Republics (Serbia and Montenegro) are defined by the Constitution as States based on the equality of all their citizens. There is no discrimination based on ethnic origin and the State is not defined as a State of the largest nation (ethno-nationalism). Accordingly, all citizens, irrespective of whether they belong to the Serb or Montenegrin nation or to any national minority or ethnic group, enjoy the same human rights and freedoms guaranteed by the Constitution. The provisions of article 20, paragraphs 1 and 2, of the Constitution of the Federal Republic of Yugoslavia read as follows:

'Citizens shall be equal irrespective of their national belonging, race, sex, language, religion, political or other conviction, education, social origin, financial standing and other personal characteristics.

'All shall be equal before the law.'

"3. Members of national minorities, both as individuals and collectively, are guaranteed the following special freedoms and rights which they can freely exercise by their own choice:

(a) The freedom of expression of their national affiliation and culture and of use of their languages and alphabets, while no one is obliged to declare his/her national affiliation (art. 45, Federal Republic of Yugoslavia Constitution);

(b) The right to education in their language, in accordance with the law (art. 46, para. 1, Federal Republic of Yugoslavia Constitution);

(c) The right to public information in their language (art. 46, para. 2, Federal Republic of Yugoslavia Constitution);

(d) The right to establish educational and cultural organizations or associations, financed on the principle of voluntarism, which may be supported by the State (art. 47, Federal Republic of Yugoslavia Constitution);

(e) The right to establish and maintain unhindered mutual relations in the Federal Republic of Yugoslavia and outside its borders with members of their nation in other States, but not to the detriment of the Federal Republic of Yugoslavia or a member Republic (art. 48, Federal Republic of Yugoslavia Constitution);

(f) The right to take part in international non-governmental organizations, but not to the detriment of the Federal Republic of Yugoslavia or its member Republics (art. 48, Federal Republic of Yugoslavia Constitution);

(g) The right to use his/her language in proceedings before a court or other State organ or organization which in exercising its public powers decides on his/her rights and duties, and to be informed of the facts in such proceedings in his/her language (art. 49, Federal Republic of Yugoslavia Constitution);

(h) In areas inhabited by national minorities, their languages and alphabets shall be in official use, in accordance with the law, i.e. in proceedings before State organs, authorities exercising State power, etc. (art. 15, para. 2, Federal Republic of Yugoslavia Constitution);

(i) A special provision in the Constitution (art. 11) provides that the Federal Republic of Yugoslavia shall recognize and guarantee the rights of national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and other specificities, as well as to the use of their national symbols, in accordance with international law.

"3.1 To prevent abuses of the position of national minorities, article 50 of the Federal Republic of Yugoslavia Constitution declares unconstitutional and punishable any incitement to national, racial, religious or other inequality, as well as any incitement and instigation to national, racial, religious and other intolerance or hatred.

"3.2 In order to evaluate the constitutional options concerning the protection of national minorities, article 10 of the Federal Republic of Yugoslavia Constitution is of relevance; in it the Federal Republic of Yugoslavia recognizes and guarantees human and civil rights and fundamental freedoms recognized by international law.

"4. Apart from national minorities, the Constitution and federal regulations do not explicitly mention categories of religious or linguistic minorities. The federal Constitution only mentions national minorities and their 'ethnic, cultural, linguistic and other specificities', while the terminology of the two Republican Constitutions is not harmonized: in the Constitution of the Republic of Serbia the term 'nationality' is used, while in the Constitution of the Republic of Montenegro the term 'national and ethnic groups' is used ...

"5. In accordance with the concept of human rights and freedoms and the federal State system, the Constitution of the Federal Republic of Yugoslavia contains only those freedoms and rights which guarantee the equality of man and citizen throughout the territory of the federal State. This means that the Republican Constitutions may contain other freedoms and rights. Proceeding from this, the Constitution of the Republic of Montenegro, as the latest constitutional act in the Federal Republic of Yugoslavia (promulgated in October 1992 after the adoption of the federal Constitution), contains special rights of persons belonging to national and ethnic groups established by the federal Constitution and proclaimed the following rights as new ones:

(a) 'The protection shall be guaranteed of the national, ethnic, cultural, linguistic and religious identity in accordance with the international protection of human and civil rights' (art. 67);

(b) 'The curricula of educational institutions shall incorporate the history and culture of national and ethnic groups' (art. 71);

(c) 'The right shall be guaranteed to members of national and ethnic groups to proportional representation in public services, bodies of State authority and of local self-government' (art. 73);

(d) '... the right of appeal to international institutions with a view to the protection of their constitutionally guaranteed freedoms and rights' (art. 74, para. 2 in fine);

(e) 'The special rights of members of national and ethnic groups shall not be exercised in contravention of the Constitution, the principles of international law and the principle of the territorial integrity of Montenegro' (art. 75).

"6. Since the promulgation of the Federal Republic of Yugoslavia Constitution (27 April 1992), the institutionalized mechanism for a more effective protection of minority rights has been strengthened.

"6.1 On 1 July 1992, the federal Government established the Federal Ministry of Human and Minority Rights which, as far as minorities are concerned, is entrusted with monitoring the situation and the enforcement of

federal laws in this area; with promoting minority rights; and with instituting proceedings before the competent authorities in connection with the exercise and protection of minority rights. As to the latter, the Law on the Federal Constitutional Court provides for the right of the Federal Minister of Human and Minority Rights to institute proceedings before the Federal Constitutional Court concerning the protection of the rights of persons belonging to national minorities (constitutional appeal).

"6.2 A Council for Inter-Ethnic Relations is being set up within the Federal Ministry of Human and Minority Rights which is to discuss all major issues of relevance for the promotion of the situation in this field and to submit, through the Ministry, corresponding proposals to the federal Government.

"6.3 In Montenegro, the Republican Council for the Protection of Members of National and Ethnic Groups has been established and is entrusted with the task of preserving and protecting the national, ethnic, cultural, linguistic and religious identity of members of national and ethnic groups and of ensuring their constitutional rights. The Council is chaired by the President of the Republic of Montenegro.

"6.4 The Republic of Serbia has established the: National Assembly Commission for Inter-Ethnic Relations and the Commission of the Government of the Republic of Serbia for Human Rights, devoting considerable attention to the issues of the promotion and protection of minority rights.

"B. Current situation

"7. The fact that minority rights are firmly guaranteed in the Constitutions and that the system of their protection is proportionately developed does not mean that there are no problems in this field. They are manifest both on a broader and narrower plan, i.e. in the position of some minorities as collectivities, in the exercise of certain rights by certain minorities and, finally, in concrete cases in which minority members consider that they are denied certain rights or that they are discriminated against on the basis of belonging to a minority.

"8. The developments in former Yugoslavia in the last few years (the crisis in the Socialist Federal Republic of Yugoslavia, the secession of four republics and armed conflicts in two of them, massive migration of the population, general impoverishment of the economy and society in the Federal Republic of Yugoslavia, etc.) have brought about a deterioration of basic conditions in which human rights are exercised and have created a very complex minority situation. The States that have emerged from the secession have shown strong aspirations towards establishing one-nation States, practising open forms of intolerance and aggression against other ethnic elements, mainly Serbs and Montenegrins who have lived in these areas for centuries. Such policy and the armed conflicts in Bosnia and Herzegovina and in Croatia have caused the inflow of over 700,000 refugees to the Federal Republic of Yugoslavia. The issue of the minority status of Croats, Slovenes and Macedonians living in the Federal Republic of Yugoslavia, who had the status of Yugoslav nations, is open. On the 'connected vessels' principle, some political parties and irresponsible individuals have displayed nationalistic

reactions to minorities. On the other hand, secessionism that has been given international accolade, and the international censure of the Federal Republic of Yugoslavia, provide powerful impetus to leaders of certain minorities to demand a special status or autonomy and even to call for secession from the Federal Republic of Yugoslavia (Kosovo and Metohija Albanians). The declining economic power of the Federal Republic of Yugoslavia, brought about in great measure by United Nations Security Council sanctions, have seriously affected many social services, including material support to minority institutions and organizations by the State. Some minority political parties use this situation to present it as malicious negligence of the minority rights by the State (e.g. financing of minority newspapers which have found themselves in a difficult situation just like all other newspapers).

"9. The most serious problem in this field is the situation with regard to Albanians in the Autonomous Province of Kosovo and Metohija. Much has already been written and said about the many elements relevant to an assessment of their situation; however, only the Albanians' 'truth' has received wide publicity, while everything has been done to cover up the root causes of this problem. Since Yugoslavia has already submitted a number of official and exhaustive reports on this issue to various international institutions and bodies, including the Commission on Human Rights and other bodies within the United Nations system, attention is drawn to the information contained in these reports.

"10. As far as individual violations of certain human rights or special minority rights are concerned, all our information indicates that these violations are not practised as a deliberate policy of the majority population. The small number of criminal offences committed against members of national minorities and motivated by national or religious intolerance has been recorded, while their perpetrators have been prosecuted.

"C. Measures to improve the situation and to implement more effectively the principles contained in the Declaration

"11. Taking fully into account all the aspects of the problems discussed, as well as the need to adjust minority problems as much as possible to the changed conditions in the country and to endeavour to solve these problems internationally, the authorities of the Federal Republic of Yugoslavia have taken or plan to take the following steps:

- In mid-1992 (August), a 'round table' was held, devoted to the status of national minorities, at which an open dialogue was conducted between the President of the Federal Republic of Yugoslavia, members of the federal Government, representatives of all national minorities (with the exception of Albanians) and minority issues experts. During the two-day meeting, outstanding problems were discussed whose solution should promote the rights and status of minorities and it was concluded that talks should be arranged separately with each national minority. Proceeding from this, the Federal Minister of Human and Minority Rights held separate talks ('round tables') with representatives of Hungarians, Slovaks and Croats, and many contacts with other minorities, with the exception of Albanians and Muslims who refuse to engage in these talks;

- On many occasions Albanians have been offered a dialogue on the solution of some problems; however, their political leaders have rejected each and every attempt of the authorities to bring them to the negotiating table as they refuse to recognize the State and its organs until the authorities of the Republic of Serbia and the Federal Republic of Yugoslavia grant them such a degree of autonomy which would enable them to secede from the Federal Republic of Yugoslavia. Quite understandably, the Republic of Serbia and the Federal Republic of Yugoslavia cannot countenance any solution that would enable the realization of these intentions;

- In meeting the requests of national minorities, the federal Government has begun work on a separate law on the rights and the protection of the rights of members of national minorities. Its main goal is to improve legal regulation by adopting a law which would serve as a framework for further improvements in these fields 5/ and to further elaborate the existing and new mechanisms for the protection of minority rights. This draft law is to be discussed at the autumn session of the Federal Assembly;

- As in the past, some resources have been made available from federal and republican budgets to minority cultural, educational, informative and other organizations also in 1993, despite exceptional financial strictures;

- Competent federal and republican administrative and judicial organs, as well as the provincial organs (Autonomous Provinces of Vojvodina and Kosovo and Metohija) and the organs of local self-government have intensified their activities to prevent restrictions or violations of minority rights from taking place. Such measures are necessary in view of the overall situation in the Federal Republic of Yugoslavia and of its commitment to respect consistently the guaranteed minority rights, its resolve to build a democratic society and to ensure the rule of law.

"12. It is of great importance both for the improvement of the human rights situation and the exercise of minority rights to find a balanced solution to the Yugoslav crisis and, in this context, especially a solution which would recognize the justified interests of the Serb people in Croatia and in Bosnia and Herzegovina, and create conditions in which the Federal Republic of Yugoslavia would regain its rightful place in the world community and international organizations as early as possible and lift the Security Council sanctions which would help it revive the economy. Fulfilment of such conditions, along with the further democratization of society, should also create a far more favourable climate for a more effective realization of high constitutional standards concerning the rights of national minorities."

5/ The main laws and regulations pertaining to minority rights are available for consultations in the archives of the Centre for Human Rights.

II. Reply from a non-governmental organization

INTERNATIONAL FEDERATION FOR THE PROTECTION OF THE RIGHTS OF ETHNIC, RELIGIOUS, LINGUISTIC AND OTHER MINORITIES

[Original: English]
[22 July 1993]

"The International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities has been working for nearly a decade on human rights issues related to minorities. Our scope is global, aiming to promote and secure the just treatment of minorities and to further affirm their rights within the international community. While the United Nations has certainly made progress in the domain of minority rights, there is indeed still much to be accomplished. We would like to offer some suggestions regarding the implementation of General Assembly resolution 47/135, 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities', as well as Commission on Human Rights resolution 1993/24 entitled 'Rights of persons belonging to national or ethnic, religious and linguistic minorities'. We hope you will give serious consideration to the recommendations of non-governmental organizations like ours when creating structures for the fulfilment of these resolutions.

"Our organization welcomes these resolutions and applauds the sincerity of commitment embodied within them. Particularly, we acclaim the Declaration adopted by the General Assembly, which specifically outlines the rights of ethnic, religious and linguistic minorities in addition to the obligations of the State in ensuring their protection and promoting their cultural identity. Indeed, these resolutions are a step in the right direction towards the overall goal of ensuring the fundamental rights of minorities throughout the world.

"Unfortunately, the adoption of these resolutions does not inherently guarantee that the constructive goals they contain will be realized. The gap between the humanistic design of various resolutions and their effective implementation remains wide. Long-term solutions to human rights abuses require the active enforcement of such agreements. There is therefore a need for new and more direct methods of implementation.

"The outcome of the recent World Conference on Human Rights underscores that violations of human rights are not an internal matter of States and that such rights are in fact universal. This point has specific relevance for the oppression of minorities, since their persecution is often effected by the State itself in the form of population transfers, economic discrimination and linguistic imperialism. Taking into consideration these resolutions and their implementation, our organization proposes three immediate steps:

"1. The creation of a very flexible and highly mobile Action Council with broad powers and a mandate to monitor and investigate human rights abuses, especially for ethnic, religious and linguistic minorities. Such a Council would make a sincere effort to reach out to minority groups and

promote their participation within the Council's structure and processes. The Council would report within a prescribed time schedule to the United Nations Security Council for immediate and effective action.

"2. The creation of a Permanent Tribunal for Human Rights, empowered to bring to justice the persons responsible for crimes committed against ethnic, religious and linguistic minorities. This body would act in accordance with the principles of General Assembly resolution 47/135, as well as other human rights agreements. Decisions would be made on a case-by-case basis, and appropriate action be taken up to and including criminal prosecution. The Tribunal would also put pressure on individual Governments to stop the persecution of minorities both within and beyond their national boundaries.

"3. Finally, we propose an educational campaign and a structured forum to emphasize the value of ensuring the protection and continued survival of ethnic, religious and linguistic minorities. That these groups benefit the State by enriching both economic and cultural life is perhaps the most important point to stress. Again, such a campaign would enlist the participation of minority groups in the effort to empower and encourage input in decisions directly affecting them. The changing face of international conflict forces us to embrace ethnic and cultural diversity as a means of survival. Such a forum would promote this end by encouraging mediation, dialogue and other non-violent strategies.

"It is our belief that these three steps will help ensure the effective implementation of the resolutions at hand. Empowering the minority groups to take action on their behalf within the United Nations and other international bodies is the best solution. This must be our trajectory. The adoption of these resolutions is an historic occasion. Yet unless drastic, immediate and effective measures are sanctioned, some of the minority groups might not be around in 20 or 25 years. Some languages will disappear. Some cultures will be history. Millions of peoples will continue to be denied their basic human rights and dignity. Their loss will be our loss, a loss for all of humanity.